IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 974(S/S)2007

Smt. Asha W/o Sri Deepak Kumar,
Assistant Teacher, Junior High School, Chhini Goth,
Tanakpur, District Champawat. -------Petitioner.

Vs.

1. State of Uttarakhand through its Secretary, School Education, Dehradun,
2. Director, School Education, State of Uttarakhand, Dehradun,
3. Addl. District Education Officer, (Basic), Champawat.
4. District Basic Education Officer, Champawat. ---Respondents.

Sri B.S. Parihar, learned counsel for the petitioner.
Sri Paresh Tripathi, learned Brief Holder for respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri B.S. Parihar, learned counsel for the petitioner and Sri Paresh Tripathi, learned Standing Counsel for the State of Uttarakhand/ respondents.

By means of this writ petition, the petitioner has challenged the impugned transfer order dated 12.06.2007 (annexure no.1, so far as it relates to the petitioner) passed by respondent no. 3 by which the petitioner has been transferred from Junior High School, Chhini Goth, District Champawat to Junior High School, Ramaila, District Champawat on the ground that the Teachers working at Junior High School, Chhini Goth are above than the standard prescribed by the Govt.

The transfer order has been challenged on various grounds such as; that there are two junior Teachers in the

School including the petitioner; that the Principal of the Institution has sent information (annexure no.2) to the Addl. District Education Officer (Basic) Champawat in regard to taking over charge of the working Teachers in the School in which the name of the petitioner has been shown at serial no. 2, while name of other junior Teacher, namely Smt. Basanti Chand has been show at serial no.3 and according to the transfer policy which was issued in the year 2004, if any transfer is necessary then the junior most Teacher will be transferred and lastly the petitioner has been transferred from comfortable area to dis-comfortable area.

So far the ground that the petitioner is not the junior most in the Institution is concerned, in absence of pleadings it cannot be observed that the other Teacher, whose name is mentioned in the writ petition, is the junior most in the institution, So far the ground of serving in the dis-comfortable or most dis-comfortable areas is concerned, the State Government has yet not decided as to which of the place/ region of the State is to be classified as Durgam, Ati Durgam and Sugam place.

In this regard, the petitioner, raising all her grievances, has already moved representation (annexure no.3 to the writ petition, which is undated) before respondent no. 3 i.e. Addl. District Education Officer (Basic), Champawat, which is still pending before him.

In these circumstances, the respondent no.3 is directed to take decision on the representation of the petitioner pending before him, which contains as annexure no. 3 to the writ petition, within a period of two weeks from the date of production of a certified copy of this order. The petitioner is

directed to produce a certified copy of this order before respondent no.3 within 10 days.

Till the representation is decided by respondent no.3 or till 31st August, 2007 whichever is earlier, the petitioner shall not be relieved from her present place of posting.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

July 27, 2007:
NCM: